

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN A. ARETAKIS,

Plaintiff,

**ANSWER TO AMENDED
COMPLAINT**

--against--

Case No. 07-cv-5444

ROBERT DURIVAGE, TIMOTHY NUGENT,
TOWN OF NORTH GREENBUSH AND
ROBERT D. WELLS,

(Hon. S.A. Scheindlin)

Defendants.

The defendant, Robert D. Wells, by his attorneys Tobin and Dempf, LLP as and for an answer to the amended complaint respectfully alleges:

FIRST: Denies any knowledge or information sufficient to form a belief as to the allegations set forth at paragraphs 5, 10, 12, 24, 25, 27, 31, 33, 34, 35, 36, 38, 41, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63, 70, 78, 79, 80, 81, 82, 83, 88, 100, 109, 110, 111, 119, 123, 124, 126, 127, 128, 138, 139, 155, 165, 166, 167, 168, 169, 179, 180, 181, 182 and 182.

SECOND: Denies the allegations set forth at paragraphs designated 1, 2, 3, 4, 7, 8, 9, 14, 15, 16, 18, 19 20, 21, 22, 23, 26, 28, 29, 30, 32, 37, 39, 40, 44, 62, 64, 65, 66, 67, 68, 69, 71, 72, 73, 74, 75, 76, 77, 84, 85, 86, 87, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 101, 102, 103, 104, 105, 106, 107, 108, 112, 113, 114, 115, 116, 118, 120, 121, 125, 129, 130, 131, 132, 133, 134, 135, 136, 137, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 156, 157, 158, 159, 160, 161, 162, 163, 164, 171, 172, 173, 174, 175, 176, 177, 178, 183, 184, 185, 186, 187 and 188.

THIRD: Admits the allegations set forth at paragraph 6 stating that a trial took place and denies the balance of the allegations contained therein.

FOURTH: Admits the allegations set forth at paragraph 11.

FIFTH: Admits the allegations set forth at paragraph 13, admits that defendant Timothy Nugent is an attorney at law and denies any knowledge or information to form a belief as to the balance of the allegations contained therein.

SIXTH: Admits the allegations set forth in paragraph 17 that defendant Robert D. Wells is a process server and denies the balance of the characterizations contained therein.

SEVENTH: Admits the allegations contained in paragraph 117 which quotes from the Fourteenth Amendment and denies the characterizations contained therein.

EIGHTH: Admits the statement contained in paragraph 122.

NINTH: Admits the allegations contained in paragraph 170 to the effect that a trial was conducted and there was an acquittal and denies the balance of the characterizations contained therein.

**AS AND FOR A FIRST, SEPARATE AND AFFIRMATIVE DEFENSE
DEFENDANT ROBERT D. WELLS RESPECTFULLY ALLEGES**

TENTH: The complaint fails to state any cause of action cognizable at law and/or equity.

**AS AND FOR A SECOND, SEPARATE AND AFFIRMATIVE DEFENSE
DEFENDANT ROBERT D. WELLS RESPECTFULLY ALLEGES**

ELEVENTH: The causes of action asserted are barred by the applicable statute of limitations.

**AS AND FOR A THIRD, SEPARATE AND AFFIRMATIVE DEFENSE
DEFENDANT ROBERT D. WELLS RESPECTFULLY ALLEGES**

TWELFTH: By virtue of the order and direction of the Court, at the hearing conducted on November 30, 2007, all causes of action against defendant Robert D. Wells asserting federal and state-action claims, including the second, third, fourth, and seventh causes of action, have been determined to be not applicable and the complaint is accordingly deemed amended.

DATED: December 3, 2007
Albany, New York

Yours, etc.

TOBIN AND DEMPFF, LLP

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